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in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The parole boards and advisory board of pardons of Massachusetts shall, after the passage of this act, consist of three justices of the courts of the commonwealth, one of whom shall be a justice of the superior court, who shall be the chairman, and two associate justices of the police, municipal, or district courts of the commonwealth, to be appointed by the Chief Justice of the superior court, and any member of said board by the chief justice, and hold office at his pleasure.

SECTION 2. This board shall hold monthly meetings at the state prison, and at each of the two reformatories, to consider the applications for pardons that may be referred to it by the governor, and the parole of such prisoners as may be eligible. They shall receive such compensation, in addition to their regular salaries, as may be provided by the general court, and shall also be reimbursed for their necessary traveling expenses.

SECTION 3. This board is authorized to expend for clerical work a sum not exceeding twenty-five hundred dollars annually.

SECTION 4. The reports upon pardons shall be made directly to his excellency the governor. In case a parole is voted to a prisoner, the prison commissioners shall be notified who will issue the permit of release when home and work conditions are found to be satisfactory. The after care of such paroled prisoners shall be the duty of the prison commissioners.

SECTION 5. Chapter eight hundred and twenty-nine of the acts of the year nineteen hundred and thirteen is hereby repealed.

JOSEPH MATTHEW SULLIVAN, Boston, Massachusetts.

A Bill to Provide for the Care and Detention of Feeble-Minded in Illinois.— Many critical social conditions now face the people of Illinois, but of these perhaps none contribute more to the poverty, dependency, crime and vice of today and to the degeneracy of tomorrow than does the presence in our community of thousands of hopelessly irresponsible feeble-minded persons.

The teachers in our schools fail absolutely in the training of numbers of these pupils; the secret of their failure lies in the fact that these children are uneducable, that they are feeble minded. The social workers in our cities fail absolutely in their effort to re-establish many families, and this in spite of continued and substantial assistance and personal endeavor; the secret of their failure lies in the fact that the heads of these families are uneducable; that they are feeble-minded. The judges in our criminal courts are coming to realize the futility of striving to improve or even to intimidate by repeated punishments a large number of criminals; the secret of this failure with these repeaters lies again in the fact that they are uneducable; that they are feeble-minded.

The effort to train the feeble-minded person, either as a child or as an adult, for a place of individual responsibility in life, is hopeless; it is an attempt to do the impossible. Such persons, left to their own resources in the community are tossed from slum to almshouse, to reformatory and to prison. Moreover, they leave in their wake numerous progeny which perpetuate their helpless kind; for the feeble-minded produce many children and feeble-mindedness has, all too surely, been proved hereditary.

It is the plain duty of society to protect these helpless persons, and to prevent as far as possible, their feeble-minded legacy to the next generation. Both of these ends may be accomplished by providing care for the feeble-

minded in industrial institutions, where experience proves they lead happy, busy lives, from the time the feeble-minded condition is discovered until the end of their lives.

At the present time Illinois cares for some 15,000 insane persons in eight hospitals and a ninth is in course of construction. She cares for but 1,600 feeble-minded persons, and this although a conservative estimate based on surveys made in other states and partial surveys made in Chicago, places the number of feeble-minded in our state at several thousand beyond the number of the cared-for insane, and although such an authority as Dr. Walter Fernald of Massachusetts states the danger to the community from a feeble-minded person to be on the average three times as great as the danger from an insane person.

Moreover, the condition is made still worse by the fact that at present the state has no power to retain in its *one* institution a feeble-minded charge, which it knows to be a danger to itself and to the community when at large, if its parent or guardian requests its discharge. Children are left at the institution until its good care brings them up to their best mental and physical vigor; they are then withdrawn and their very improvement by helping to conceal their mental deficiency contributes to increased danger.

In order to meet this last condition which virtually defeats the purpose of our *one* institution, a bill for an act to better provide for the care and detention of feeble-minded persons has been presented to the present Assembly by the State Charities Commission, Dr. Edward Ochsner, president, and the Municipal Court of Chicago, Hon. Harry Olson, Chief Justice.

The act provides that feeble-minded persons of all ages, who are found to be without proper supervision and control, may be cared for in a state institution for the feeble-minded; that petition for an examination of such supposedly feeble-minded persons be made by any relative or reputable citizen to the circuit or county court or the superior court of Cook County, or the municipal court of Chicago; that examination of the mental state of the individual and of the social conditions be made by a commission appointed by the court; that the person if found to be feeble-minded, be sent to either a public or private institution for feeble-minded persons or remanded to guardianship at the discretion of the court; that discharge be allowed only after a re-examination by said court and then only if the person is found to be not feeble-minded or if the court is convinced that the parent or guardian will provide proper care elsewhere.

The act provides also that when any child is brought before a juvenile court for delinquency or dependency such court may, if convinced of the child's feeble-mindedness, adjourn the proceedings and order an investigation in feeble-mindedness; and also that when any person is convicted of a crime or misdemeanor by any court of record, if such court is convinced of the person's feeble-mindedness, sentence may be suspended and an inquiry in feeble-mindedness instituted, provided, that if by said inquiry or any future inquiry, the convicted person proves to be not feeble-minded, sentence be then imposed.

Professor Henry Schofield of the Northwestern University Law School co-operated with others in the preparation of the bill.

CLARA HARRISON TOWN, Chicago.

The bill as presented follows:

A Bill for an Act to better provide for the care and detention of Feeble-Minded Persons.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. The words "feeble-minded person" in this act shall be construed to mean any person afflicted with mental defectiveness from birth or from an early age, so pronounced that he is incapable of managing himself and his affairs, or of being taught to do so, and requires supervision, control and care for his own welfare, or for the welfare of others, or for the welfare of the community, who is not classifiable as an "insane person" within the meaning of "An act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators and to repeal certain acts therein named," approved June 21, 1893, in force July 1, 1893.

Sec. 2. From and after the taking effect of this act, no feeble-minded person shall be sent to any institution for the feeble-minded except as hereinafter provided.

Sec. 3. When any person residing in this State shall be supposed to be feeble-minded and by reason of such mental condition of feeble-mindedness and of social conditions, such as want of proper supervision, control, care and support, or other causes, it is unsafe and dangerous to his welfare, or to the welfare of others, or to the welfare of the community, for him to be at large without supervision, control and care, any relative, parent, guardian, conservator or friend of such supposed feeble-minded person, or any reputable citizen of the country in which such supposed feeble-minded person resides or is found, may file with the clerk of either the Circuit or of the Superior Court of Cook County, or of the County Court of the county in which such supposed feeble-minded person resides or is found, or with the Clerk of the Municipal Court of Chicago when the supposed feeble-minded person resides or is found in the City of Chicago, a petition in writing under oath setting forth that the person named is feeble-minded, and the facts and circumstances touching the social condition, such as want of proper supervision, control, care and support, or other causes, making it unsafe and dangerous to the welfare of the supposed feeble-minded person, to the welfare of others, and to the welfare of the community, for him to be at large without special supervision, control and care; also the names and residences, or that the same are unknown to the petitioners, of the persons actually supervising, caring for, or supporting the alleged feeble-minded person, and of the persons legally chargeable with his supervision, care or support; and the names and residences of the witnesses by whom the truth of the allegations contained in the petition may be proved, one of whom at least must be a qualified physician having personal knowledge of the case: *Provided*, that when it shall appear by such petition that the person alleged to be feeble-minded has not been examined by a physician, the judge may appoint a qualified physician of the county to make such examination and allow him compensation therefor, not exceeding five dollars, which shall be taxed and collected as is herein provided in respect to other costs. And the petition must be accompanied by sworn answers in writing by the petitioner to such interrogatories as may be propounded in a form to be prescribed by the Board of Administration. If the petition is not filed by a relative, guardian or conserva-

tor of the supposed feeble-minded person, it shall state the reasons why the petition is not filed by any relative, the guardian or conservator, and the connection of the petitioner with the supposed feeble-minded person, and the circumstances under which he files the petition.

Sec. 4. Upon the filing of a petition under this act, unless the person alleged to be feeble-minded shall be brought before the court without a writ, or unless an affidavit of some creditable person shall be filed setting forth facts and circumstances sufficient to satisfy the judge, it would be improper to have the alleged feeble-minded person brought before the court, the judge of the court shall direct the clerk to issue a writ directed to the person having the alleged feeble-minded person under his supervision and care; or to any other reputable person the judge in his discretion may select, or to the sheriff, or to any constable or bailiff, commanding that the alleged feeble-minded person be brought before the court at such time and place as the judge may appoint for the hearing and determination of the petition.

Sec. 5. In no case shall the hearing of the petition take place until the person alleged to be feeble-minded and those named in the petition as having actual supervision and care of the alleged feeble-minded person and one or more of those named in the petition legally chargeable with his supervision, care and support, shall have been notified and given an opportunity to be heard as the court shall direct.

Sec. 6. The hearing on the petition shall be by commission. The judge shall preside. And the hearing may be in open court or in chambers, or at such other place as the judge in his discretion may appoint. In any case where the person alleged to be feeble-minded is not represented by any person, the court in its discretion may appoint some suitable person to act in his behalf. And except as herein otherwise provided the rights of the alleged feeble-minded person shall be the same as a defendant in a civil suit. The judge may require all persons other than the petitioner, the feeble-minded person, one or more of his relatives and friends, the witnesses, the licensed attorneys engaged in the case, and the officers of the court, to withdraw during the hearing, but the presence of the feeble-minded person shall not be regarded as so indispensable that no proceedings may be had during his absence, if the judge thinks his absence proper and desirable.

Sec. 7. The Judge shall appoint a commission of two qualified physicians or one qualified physician and one qualified psychologist who are residents of the county to be selected by the judge on account of their known competency and integrity, who shall make a personal examination of the alleged feeble-minded person touching his mental condition and also shall inquire into the alleged social conditions such as want of proper supervision, control, care or support, or other causes making it unsafe and dangerous to the welfare of the alleged feeble-minded person, to the welfare of others, and to the welfare of the community, for him to be at large without supervision, control and care; and they shall file with the clerk of the court a report in writing, verified by affidavit, of the result of their examination of mental condition and social condition aforesaid setting forth their conclusions and recommendations. They also shall file with their said report answers to such interrogatories as may be propounded in a form to be prescribed by the Board of Administration, certifying that the answers are correct to the best of their knowledge and belief. The commission herein provided for shall have power to administer oaths and take sworn testimony under the supervision, direction and control of the judge.

Sec. 8. The court, if dissatisfied with the conclusions and recommendations of the commission, may set the same aside and dismiss the proceedings, or order a new hearing by the same or a new commission, or make new findings of facts and substitute such new findings of facts in the place of conclusions and recommendations of the commission, and on such review by the court of the conclusions and recommendations of the commission, the court may hear fresh evidence, if the court thinks fit.

Sec. 9. In accordance with the final conclusions of facts touching the mental condition and social conditions alleged in the petition, the court shall enter a proper order for the disposition of the person alleged to be feeble-minded. If the court is satisfied the alleged feeble-minded person is not feeble-minded, the order shall dismiss the petition and discharge the person. If the court is satisfied the alleged feeble-minded person is feeble-minded, and subject to be dealt with under this Act, the order may appoint a suitable person to be the guardian of the person of the feeble-minded person, or may direct that the feeble-minded person be sent to a private institution, qualified and licensed under the laws of the State to receive him, whose managers are willing to receive him; or may direct that he be placed in a public institution for the feeble-minded as seems best to the court, having regard to all the circumstances appearing on the hearing. the court's guiding and controlling thought throughout the proceedings to be the welfare of the feeble-minded person, the welfare of others and the welfare of the community. Whatever order may be made in the case shall stand and continue to be binding upon all persons whom it may concern until rescinded, reversed or otherwise regularly superseded or set aside.

Sec. 10. An order that the feeble-minded person be placed under guardianship shall confer on the person named in the order as guardian such powers, subject to the regulations of the Board of Administration, as would have been exercisable if he had been the father of the feeble-minded, and the feeble-minded had been under the age of fourteen.

Sec. 11. Where an order has been made that a feeble-minded person be placed under guardianship, the guardian may be removed by the court that appointed him, on the application of the feeble-minded person, or of any relative or friend of the feeble-minded person, or of any reputable citizen or of the Board of Administration; and when the guardian dies, resigns, or is removed, the court may, on a like application, appoint a suitable person to act in his stead. And on application of the guardian, or of the feeble-minded person, or of any relative or friend of the feeble-minded person, or of any reputable citizen, or of the Board of Administration, the court that appointed the guardian, on being satisfied that the case is, or has become one unsuitable for guardianship, may order that the feeble-minded person be discharged from guardianship and set free, or be sent to a private institution qualified and licensed under the laws of the state to receive him, whose managers are willing to receive him, or be sent to a public institution for the feeble-minded, as seems best to the court, having regard to all the circumstances appearing on the hearing. No order shall be made discharging or varying a prior order placing the feeble-minded person under guardianship without giving one or more of the relatives or friends of the feeble-minded person, his guardian and the Board of Administration notice and an opportunity to be heard.

Sec. 12. Upon the entry of an order directing that a feeble-minded person be sent to an institution for feeble-minded persons, the clerk of the court shall

send a copy of the order to the superintendent of the institution to which such feeble-minded person is ordered to be sent, and such superintendent shall receive such feeble-minded person as a charge in such institution: *Provided*, that, if on account of the crowded condition of a public institution it is impossible to accommodate such feeble-minded person, the superintendent shall inform the court with the promise that the court be notified at once when the next vacancy occurs, and that such feeble-minded be then received as a charge in such public institution.

Sec. 13. For the conveyance of any feeble-minded person to any public or private institution for the feeble-minded, the admission thereto having been ordered by the court as herein provided, the clerk shall issue a warrant in duplicate directed to the petitioner or to some suitable reputable person as the judge may select, commanding him to take such feeble-minded person and deliver him to the superintendent of the institution. When the judge thinks necessary, he may direct the clerk to authorize the employment of one or more assistants, but no female feeble-minded person shall be taken to the institution by any male person not her husband, father, brother or son without the attendance of some woman of good character and mature age chosen for the purpose by the judge. Upon receiving the feeble-minded person, the superintendent of the institution shall endorse upon the warrant his receipt, naming the person or persons from whom the feeble-minded person is received, and one copy of the warrant so endorsed shall be returned to the clerk of the court to be filed with the other papers in the case and the other shall be left with the superintendent and the person delivering the feeble-minded person shall endorse thereon that he has so delivered him, and said duplicate warrant shall be *prima facie* evidence of the facts set forth therein and in said endorsement.

Sec. 14. No feeble-minded person admitted to an institution for the feeble-minded pursuant to an order of court as herein provided shall be discharged therefrom except as herein provided, except that nothing herein contained shall abridge the right of petition for the writ of *habeas corpus*. At any time after the admission of the feeble-minded person to an institution for the feeble-minded, pursuant to an order of court as herein provided, the feeble-minded person or any of the relatives or friends of the feeble-minded person, or any reputable citizen, or the superintendent of the institution having the feeble-minded person in charge, or the Board of Administration, may petition the court that entered the order of admission to discharge the feeble-minded person or to vary the order of the court sending the feeble-minded person to an institution. If, on the hearing of the petition, the court is satisfied that the welfare of the feeble-minded person, or the welfare of others, or the welfare of the community requires his discharge or a variation of the order, the court may enter such order of discharge or variation, as the court thinks proper. Discharges and variations of order may be made for either of the following causes: because the person adjudged to be feeble-minded is not feeble-minded; because he has so far improved as to be capable of caring for himself; because the relatives or friends of the feeble-minded person are able and willing to supervise, control, care for and support him and request his discharge, and in the judgment of the superintendent of the institution having the person in charge, no evil consequences are likely to follow such discharge; but the enumeration of grounds of discharge or variation herein shall not exclude other grounds of discharge or variation which the court, in its discretion, may deem adequate, having due regard for the welfare of the person concerned or the welfare of

others or the welfare of the community. On any petition of discharge or variation, the court may discharge the feeble-minded person from all supervision, control and care, or may place him under guardianship, or may transfer him from a private institution to a public institution, or from a public institution to a private institution, as the court thinks fit under all the circumstances appearing on the hearing of the petition. The superintendent of the institution having the feeble-minded person in charge must be notified of the time and place of hearing on any petition for discharge or variation, as the court shall direct, and no order of discharge or variation shall be entered without giving such superintendent a reasonable opportunity to be heard; and the court may notify such other persons, relatives and friends of the feeble-minded person as the court may think proper of the time and place of the hearing on any petition for discharge or variation of prior order. The denial of one petition for discharge shall be no bar to another on the same or different grounds within a reasonable time thereafter, such reasonable time to be determined by the court in its discretion, discouraging frequent, repeated, frivolous, ill-founded petitions for discharge or variation of prior order. On reception of a feeble-minded person in an institution pursuant to an order of the court under this Act, the superintendent of the institution, under regulations of the Board of Administration, shall cause the feeble-minded person to be examined touching his mental condition, and if upon such examination it is found the person is not feeble-minded, it shall be the duty of the superintendent to petition the court for a discharge or variation of the order sending him to the institution. Any person sent to an institution pursuant to an order of court under this Act shall have the right to at least one hearing on a petition for discharge or variation within one year after the date of the order sending him to the institution.

Sec. 15. Every person admitted to any institution for the feeble-minded shall have all reasonable opportunity and facility for communication with his friends and be permitted to write and send letters, providing they contain nothing of an immoral or personally offensive character and letters written by any charge to any member of the Board of Administration or to any member of the State Charities Commission, or to any state or county officials shall be forwarded unopened. But no leave of absence shall be granted except for good cause to be determined and approved by the board of administration in each case who shall take appropriate measures to secure the feeble-minded person proper supervision, control and care during such leave of absence, and no leave of absence shall be for a longer period than two weeks.

Sec. 16. In the event of a sudden or mysterious death of a charge of any state or private institution for the feeble-minded, a coroner's inquest shall be held as provided by law in other cases. Notice of the death of such person and the cause thereof shall in all cases be sent to the judge of the court having jurisdiction over such person, and the fact of the death with the time and place and alleged cause shall be entered upon the docket.

Sec. 17. Any person who shall knowingly contrive or who shall conspire to commit any person to an institution for the feeble-minded unlawfully and improperly, or any person who shall violate any provision of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$1,000, or imprisoned not exceeding one year, or both, at the discretion of the court in which such conviction is had.

Sec. 18. The cost of proceedings in feeble-mindedness shall be defrayed

from the county treasury, unless otherwise ordered by the court as herein provided. But when, on the hearing of the petition, the person alleged to be feeble-minded is found not to be feeble-minded, the court in its discretion may require that the costs shall be paid by the person who filed the petition and may render judgment against him therefor, except that no judgment for costs shall be rendered against the petitioner who filed the petition pursuant to the direction of a court as provided in sections 4 and 5. The fees paid for attendance of witnesses and execution of legal process shall be the same as are allowed by law for similar services in other cases. For services as commissioner, the sum of \$5.00 per day and the actual and necessary traveling expenses shall be allowed to each person so employed. But when the proceedings are instituted in the court of any county of which the alleged feeble-minded person is not a resident, in case a judgment for costs is not rendered against the petitioner as above provided, the judge of the County Court of the county in which said alleged feeble-minded person resides, shall be furnished with a transcript of the record and findings in the case and thereupon the said county shall be liable for the costs of the proceedings.

Sec. 19. Where an order that a feeble-minded person be placed under guardianship, or be sent to a private or public institution, is made under this act, the court entering the order, or any court having jurisdiction under this act, may at any time, on the application of the petitioner, or of the guardian, or of the managers of the institution, or of the Board of Administration, as the case may be, make an order requiring the feeble-minded person, or any person liable or undertaking to maintain him, to contribute such sums towards the expense of his guardianship, or of his maintenance in the institution, and any charges incidental thereto, including the costs of the proceedings in feeble-mindedness, of his conveyance to the institution, and in the event of his death in the institution his funeral expenses, as seems reasonable, having regard to the ability of the feeble-minded person, or of the person liable or undertaking to maintain him. Any such order may be enforced against any property of the feeble-minded person, or of the person liable or undertaking to maintain him, in the same way as if it were a judgment or decree for temporary alimony in a divorce case. When a conservator of the estate of the feeble-minded person under guardianship, or in an institution under this Act, has been, or is appointed pursuant to "An Act to revise the law in relation to idiots, lunatics, drunkards and spendthrifts," approved March 26, 1874, in force July 1, 1874, any such order for contribution to maintenance may be made and enforced against such conservator.

Sec. 20. When a child is brought before a "Juvenile" court as a dependent or delinquent child, if it appears to the court, on medical evidence, that such person or child is feeble-minded within the meaning of this Act, the court may adjourn the proceedings and direct some suitable officer of the court or other suitable reputable person to file a petition under this Act; and the court may order that pending the preparation, filing and hearing of such petition, the person or child be detained in a place of safety, or be placed under the guardianship of some suitable person on that person entering into a recognizance for his appearance.

Sec. 21. On the conviction by a court of record of competent jurisdiction of any person of any crime, misdemeanor, or any violation of any ordinance which is in whole, or in part, a violation of any statute of this state; or any child brought before a Juvenile Court for any delinquency, being found liable

to be sent to a reformatory school, a training school, or an industrial school, the court, if satisfied on medical evidence the person or child is feeble-minded within the meaning of this Act, may suspend sentence, or making an order sending the child to a reformatory, training or industrial school, and direct that a petition be filed under this Act. Where the court directs a petition to be filed, it may order that pending the preparation, filing and hearing of the petition, the person or child be detained in a place of safety, or be placed under the guardianship of any suitable person on that person entering into a recognizance for his appearance. If upon the hearing of said petition or upon any subsequent hearing under this Act the person is found not to be feeble-minded the court shall impose sentence.

Sec. 22. When the mental condition of a person under guardianship or in an institution for feeble-minded persons, pursuant to an order of court under this Act, becomes or is found to be such that he ought to be transferred to an institution for lunatics, the guardian or managers of the institution, or the Board of Administration, as the case may be, shall cause such steps to be taken as may be necessary for his removal to an institution for lunatics under "An Act to revise the law in relation to the commitment and detention of Innatics and to provide for the appointment and removal of conservators, and to repeal certain acts therein named," approved January 21, 1893, in force July 1, 1893. And when the mental condition of a person in an institution for lunatics under such lunacy act of 1893 becomes, or is found to be such that he ought to be transferred to an institution for feeble-minded persons, or placed under guardianship under this Act, the managers of the institution for lunatics, or the Board of Administration, may cause such steps to be taken as may be necessary for having an order that he be sent to an institution for feeble-minded, or placed under guardianship under this Act.

Sec. 23. No person shall be discharged from a public institution for the feeble-minded without suitable clothing and a sum of money not exceeding \$20 sufficient to defray his expenses home, which shall be charged to the county in which the person resides, and collected as other debts due the institution are collected. But the court ordering the discharge may dispense with this requirement if the court in its discretion thinks it fit and proper under the circumstances.

Sec. 24. If any feeble-minded person shall escape from an institution for the feeble-minded, it shall be the duty of the superintendent of the institution and his assistants and of any sheriff or constable, or other officer of the peace in any county in which he may be found to take and detain him without a warrant and report the same at once to the County Judge of said county who shall return him to the institution at the expense of the county from which he was admitted.

Sec. 25. Each Court having jurisdiction under this Act shall keep a separate docket of proceedings in feeble-mindedness upon which shall be made such entries as will together with the papers filed preserve a complete and perfect record of each case, the original petitions, writs, and returns made thereto, and the reports of commissions shall be filed with the Clerk of the Court.

Sec. 26. The board of administration shall keep a record of all persons adjudged to be feeble-minded and of the orders respecting them by the courts throughout the state, copies of which orders shall be furnished by the clerk of the court without the board's application or upon the board's application.

Sec. 27. The invalidity of any part of this act shall not be construed to

affect the validity of any other part capable of having practical operation and effect without the invalid part.

Sec. 28. All acts and parts of acts inconsistent with this act are hereby repealed.

R. H. G.

Louisiana Criminal Law.—"While it is matter of general knowledge among lawyers that the state of Louisiana has a system of civil jurisprudence based upon the continental, as distinguished from the common law, the peculiar features of its criminal law are not so widely understood. The criminal system is based upon and controlled by the common law, with numerous constitutional and statutory variations.

"The first salient feature striking the observation of the practitioner is that there is no appellate jurisdiction of the evidence. Unless the trial court grants a new trial, there is no relief for any lack of evidence to convict. If the state is reasonably careful to avoid manifest error of law, there is no help after the action of the jury and judge in the trial court.

"Another and possibly more surprising modification is found in art. 116 of the constitution, prohibiting the trial by jury in all cases which are not punishable by imprisonment at hard labor, but with a proviso that this may be changed by the legislature. Strange to say, this article has been in effect without such change for sixteen years. Evidently the Louisiana plebiscite is not trained to look upon the jury as the 'Palladium of our Liberties.'

"And there is not only no jury in such cases, but by art. 85 of the same instrument, jurisdiction of appeal is limited in these cases to judgments imposing a fine of more than \$300, or imprisonment of more than six months. Up to this point, then, the trial judge is sole arbiter of the fates and fortunes of his fellows. This is a departure from the law of Moses, 'Be not a sole judge, for there is no sole Judge but One.'

"To sum up, there are a considerable number of misdemeanors in which there is neither jury trial nor appeal, and in all appeal cases, regardless of the sentence imposed, the appellate jurisdiction is limited strictly to questions of law, and insufficiency of evidence is not ground for reversal.

"An extraordinary statute in the extreme nature of its penalty is the 'Age of Consent' law, being act No. 84 of 1908; by which it is possible for a boy seventeen years and one day old to be imprisoned for five years at hard labor for intimacy with a girl a year older than himself, omitting the one day, the respective ages being fixed at seventeen and eighteen years. This statute seems to ignore the usual maxim that a girl of eighteen is far more mature than a boy of the same age, and certainly far more so than a boy who is a year her junior. The legislators also seem to have differed from the view that in warm climates the female matures much earlier than in colder and more rigorous climes. This law in its present form is one of the fruits of modern feminism. Just why the joint act of the eighteen-year-old girl and the seventeen-year-old boy should be a felony for the younger and a harmless pastime for the elder is not explained.

"Another feature of the constitutional provisions, tending to real progress and orderly administration, is contained in art. 9 of the constitution, permitting a second trial of the accused, where a motion in arrest of judgment is sustained. This is a reasonable rule, making for justice, but taking the sum of the criminal statutes, it may be said that the way of the transgressor is hard.